

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.127 OF 2007
IN
CRIMINAL WRIT PETITION NO.24 OF 2007**

Ram B. Upadhyay ...Applicant.
V/s.
1. Shree Shinde Enterprises
2. State of Maharashtra ...Respondents.

Shri R.B.Upadhyay the applicant in person present.
Shri Y.S.Shinde, APP for the Respondent/State.

**CORAM: J.H.BHATIA, J.
DATE : 30TH April, 2007.**

P.C.:

1. Heard the applicant in person, who is practising advocate. According to him on 26-2-2007 on behalf of him, praecipe was filed and circulation was sought on 28-3-2007. Because he himself was not available for quite sometime and under the impression that the next date is 28-3-2007 as per the prayer, he did not remain present on 23rd March, 2007 when the matter was taken up and Writ Petition No.24 of 2007 was dismissed in default. It appears that there is some overwriting in the next date, which was sought. However, record revealed that circulation was given for 1st March, 2007.

2. Thereafter on 6th March and 23rd March, the applicant was not present, and, therefore, the petition

came to be dismissed. This application was moved on 11th April, 2007 for restoration of writ petition. According to the applicant because of the misunderstanding about the date, he could not appear, therefore, application is allowed. Writ Petition No.24 of 2007 is hereby restored to its file.

(J.H.Bhatia, J.)